

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

August 24, 1999

IN RE:)	
)	
PETITION OF BUSINESS TELECOM, INC.)	DOCKET NO. 99-00299
FOR APPROVAL OF AN INTRALATA)	
TOLL DIALING PARITY PLAN)	

**ORDER APPROVING THE INTRALATA TOLL DIALING PARITY
IMPLEMENTATION PLAN**

This matter came before the Tennessee Regulatory Authority (the "Authority") on July 13, 1999, at a regularly scheduled Authority Conference, to consider the Petition of Business Telecom, Inc. ("Telecom") for approval of an IntraLATA Toll Dialing Parity Implementation Plan ("the Plan").

Section 251(b) of the Telecommunications Act of 1996 ("the Act") requires all Local Exchange Carriers to provide dialing parity.¹ Specifically, section 251 (b)(3) of the Act states, "Dialing Parity - The duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays." The Act further states in sections 251(f)(1) and 251(f)(2) that a rural telephone company may file with the state commission for exemption, suspension or modification of the dialing parity requirements.

¹ Telecommunications Act of 1996, Pub. L. No. 104-104, (February 8, 1996), codified at 47 U.S.C. §§151 *et seq.*

FILE

The Federal Communications Commission ("FCC") initiated a rulemaking on dialing parity on April 19, 1996 and issued its findings in FCC 96-333 Order (Docket 96-98) adopted on August 8, 1996. This Order sets forth the criteria and guidelines for filing of a plan by all carriers. Subsequent to this Order the United States Court of Appeals for the Eighth Circuit vacated the FCC's rules, as they were applicable to intrastate services.² On January 25, 1999, the United States Supreme Court reversed certain portions of the Eighth Circuit's decision including that part of the decision which had stricken the FCC's rules pertaining to dialing parity.³

The FCC's original date for implementation, February 8, 1999, was reinstated by the Supreme Court's decision of January 25, 1999. As a result of this reinstatement, the FCC released FCC 99-54 Order (Docket 96-98) on March 23, 1999, which set forth revised implementation dates for dialing parity. This Order establishes April 22, 1999 as the new date by which all Local Exchange Carriers must file an IntraLATA Toll Dialing Parity Plan with State Commissions for approval. The Plan must be implemented within thirty (30) days after approval from the State Commission. Additionally, the Order states that the Plan must be filed with the Common Carrier Bureau of the FCC if the State Commission has not acted on the Plan by June 22, 1999.

Business Telecom, Inc. is operating pursuant to Rule 1220-4-2-.57 as a reseller that provides telecommunications services in Tennessee. Pursuant to 47 C.F.R. § 51.213, Telecom is required to file a plan with the Authority that provides for implementing intraLATA toll dialing parity in the exchanges in Tennessee where service is provided.⁴ This plan must allow customers

² FCC v. Iowa Utils. Bd., United States Court of Appeals for the Eighth Circuit, July 18, 1997.

³ AT&T v. Iowa Utils. Bd., 119 S.Ct. 721 (1999).

⁴ Under 47 C.F.R. §51.213, the Federal Communication Commission requires that an IntraLATA toll dialing parity plan contain: (1) a proposal that explains how the local exchange carrier will offer intraLATA toll dialing parity for each exchange that such carrier operates in the state, in accordance with the provisions of this section, and a proposed time schedule for implementation; and (2) a proposal for timely notification to its subscribers and the methods it proposes to use to enable each subscriber to affirmatively select an intraLATA toll service provider. The state commission must approve any such plan prior to implementation.

to pre-subscribe to different carriers for local service, intraLATA toll service and interLATA toll service.⁵

Business Telecom, Inc. filed an intraLATA toll dialing parity plan on April 22, 1999 with an amendment on June 22, 1999. The amended Plan, attached hereto as Exhibit I, is fully incorporated herein by this reference.

The Directors considered this plan at the July 13, 1999 Authority Conference and determined that the Plan, as amended, satisfies the requirements set forth by the FCC in Docket 96-98, FCC Order 96-333 and FCC Order 99-54.⁶ The Plan provides for a method that enables customers to select alternate providers of telephone toll service; a method that allows customers to choose different carriers for interLATA and intraLATA service; customer notification/education procedures; and anti-slamming procedures. The Directors unanimously voted to approve the Business Telecom, Inc. intraLATA toll dialing parity implementation plan as amended, with the requirement that the petitioner comply with all applicable sections of FCC Order 96-333 upon implementation of intraLATA equal access.

IT IS THEREFORE ORDERED THAT:

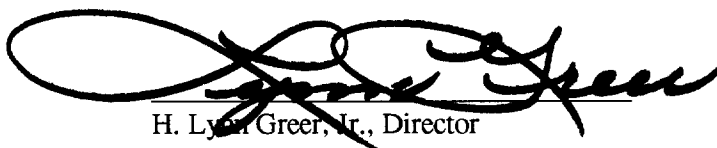
1. The amended Plan of Business Telecom, Inc. for implementation of IntraLATA Toll Dialing Parity, a copy of which is attached as Exhibit I, is hereby approved and incorporated in this Order as if fully rewritten herein;
2. Business Telecom, Inc. shall comply with all applicable sections of FCC Order 96-333 upon implementing IntraLATA equal access; and

⁵ Pre-subscription allows the customer to place a call without dialing an access code.

⁶ FCC Order 96-333, released August 8, 1996, sets forth the requirements for implementation of IntraLATA Toll Dialing Parity. FCC Order 99-54, released March 23, 1999, extends to June 22, 1999 the deadline for state commissions to act on a LEC's IntraLATA Toll Dialing Parity Plan.

3. Any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days from and after the date of this Order.



Melvin J. Malone, Chairman

H. Lynn Greer, Jr., Director

Sara Kyle, Director

ATTEST:



K. David Waddell, Executive Secretary



June 21, 1999

REC'D TN
REGULATORY AUTH.
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OFFICE OF THE
EXECUTIVE SECRETARY

Mr. K. David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37219-0412

RE: Docket Number 99-00299, BTI Telecommunications IntraLATA Toll
Dialing Parity Implementation Plan

Dear Mr. Waddell:

Enclosed please find the original and 13 copies of Business Telecom, Inc.'s (BTI) Revised IntraLATA Toll Dialing Parity Plan. BTI will comply with all rules of the Federal Communications Commission and the Tennessee Regulatory Authority in implementing its plan.

I am enclosing one additional copy of the cover letter, to be file-stamped and returned. If you have any questions regarding this filing please contact me at 800-849-9100, extension 7325.

Sincerely,

A handwritten signature in black ink, appearing to read "Jean Houck". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Jean Houck
Regulatory Affairs

Enclosure

INTRALATA TOLL DIALING PARITY PLAN

**BUSINESS TELECOM, INC.
4300 Six Forks Road
Raleigh, NC 27609**

REVISED JUNE 21, 1999

PIC choice or in changing a PIC choice for intraLATA and interLATA toll calls.

Existing Customers

On July 22, 1999, BTI's retail customers may presubscribe to any IXC that is a participating carrier. An existing customer who does not make a choice for an intraLATA PIC will remain with their existing intraLATA carrier until such time a choice is made for their intraLATA 1+ and 0+ toll calls. Customers may communicate their choice of carriers directly to BTI or indirectly through their selected carriers.

New Customers

Customers who contact BTI requesting new telephone exchange service will be informed of the opportunity to choose both an intraLATA carrier and an interLATA carrier for their toll calls. If requested by the customer, BTI will provide a list of telecommunications carriers that are available to provide intraLATA toll service in their exchange. The list of intraLATA toll carriers will be presented to customers in a competitively neutral manner. New customers who do not select an intraLATA carrier will be assigned a "no-PIC" status and will be unable to make 1+ or 0+ calls unless 1010+ is dialed to access a long distance network.

Customers will be able to choose a "no-PIC" selection, but will be unable to make intraLATA toll calls on a 1+ or 0+ dialed basis.

IV. Access to Operator Services and Directory Assistance

Access to Operator Services and Directory Assistance will continue to be available through the customer's local exchange carrier or interLATA carrier. For Operator Services, customers dial "0" to reach their local exchange operator and "00" to reach their interLATA operator. For Directory Assistance, customers dial "1-411" for accessing the local exchange Directory Assistance and customers dial "1-NPA-555-1212" for accessing interLATA Directory Assistance.

V. PIC Change Charge

Any intraLATA or interLATA PIC change made by a new or existing customer after the initial selection (period of 90 days from implementation) will be subject to a \$5.00 nonrecurring charge for each change made.

A charge will be established for "slamming" or unauthorized PIC changes submitted by carriers or BTI for end-user customers. BTI will be subject to

the rules related to slamming as indicated in Tennessee Regulatory Authority Rule 1220-4-2-.56, Sections (2)-(6).

VI. CUSTOMER NOTIFICATION

Customers will be notified of the availability of intraLATA toll dialing parity via direct mail no later than June 22, 1999. A copy of BTI's customer notification is attached as Exhibit B.

VII. CARRIER NOTIFICATION

Interexchange carriers will be notified of intraLATA equal access implementation by letter prior to the proposed implementation date. Carriers should provide a list of exchanges in which they plan to offer intraLATA toll service in advance of BTI's implementation date. Interexchange carriers who enter the market after implementation will be added to the list of participating carriers within 30 days of notifying BTI.

VIII. COST RECOVERY

Due to the size of its customer base in Tennessee, BTI has chosen not to recover the incremental costs associated with implementing intraLATA toll dialing parity.

EXHIBIT A

LATA	EXCHANGE
Chattanooga	Apison, Benton, Charleston, Chattanooga, Cleveland, College Station, Collegedale, Copper Basin, Dayton, Decatur, Dunlap, Fall Creek Falls, Georgetown, Jasper, Nine Mile, Ooltewah, Pikeville, Soddy-Daisy, South Pittsburg, Spring City, Whitwell
Knoxville	Athens, Ball Play, Bulls Gap, Claxton, Clinton, Coker Creek, Concord, Dandridge, Deer Lodge, Englewood, Etowah, Gatlinburg, Greenback, Halls Cross Roads, Harriman, Huntsville, Jefferson City, Jellico, Kingston, Knoxville, La Follette, Lake City, Lenoir City, Loudon, Macsot-Strawberry Plains, Madisonville, Maryville, Maynardville, Morristown, Newport, New Tazewell, Niota, Norris, Oakdale, Oak Ridge, Oliver Springs, Oneida, Petros, Powell, Riceville, Robbins, Rockwood, Rogersville, Rutledge, Sevierville, Sharps Chapel, Sneedville, Sunbright, Surgoinsville, Sweetwater, Tate Springs, Tellico Plains, Vonore, Wartburg, Washburn, White Pine
Memphis	Adamsville, Alamo, Arlington, Atwood, Bells, Bethel Springs, Big Sandy, Bolivar, Bradford, Brazil, Brownsville, Bruceton, Camden, Cedar Grove, Chulahoma, Collierville, Covington, Decaturville, Dresden, Drummonds, Dyer, Dyersburg, Friendship, Gibson, Gleason, Grand Junction, Greenfield, Halls, Henderson, Henning, Henry, Hornbeak, Humboldt, Huntington, Jackson, Kenton, Latham, Lexington, Martin, Mason, Mason Hall, Maury City, McKenzie, Medina, Memphis, Mercer, Middleton, Milan, Milledgeville, Millinton, Moscow, Munford, New Bern, Palmersville, Paris, Parson, Pinson, Ridgely, Ripley, Rosemark, Rutherford, Sardis, Savannah, Scotts, Selmer, Sharon, Shelby Forest, Shiloh, Sidonia, Somerville, South Hazel, Stanton, Tiptonville, Trenton, Trezevant, Trimble, Troy, Union City, Whiteville, Yorkville
Nashville	Adams-Cedar Hill, Alexandria, Ashland City, Baxter, Beech Grove Coffee C, Beersheba, Belfast, Bethpage, Blanche, Byrdstown, Carthage, Celina, Centertown, Centerville, Chapel Hill, Charlotte, Chestnut Mound, Clarkrange, Clarksville, Clifton, College Grove, Collinwood, Columbia, Cookeville, Cookeville South, Cornersville, Crawford, Cross Plains-Orlinda, Crossville, Culleoka, Cumberland City, Cunningham, De Rossett, Defeated, Dibrell, Dickson, Dover, Doyle, Eagleville, Elkton, Erin, Estill Springs, Ethridge, Fair View, Fayetteville, Flat Creek, Flintville, Fosterville, Franklin, Fredonia, Gainesboro, Gallatin, Goodlettsville, Gordonsville, Granville, Greenbrier, Green Grove, Hampshire, Hartsville, Hendersonville, Highland, Hillsboro, Hillsdale, Hohenwald, Huntland, Jamestown, Laager, Lafayette, Lavergne, Lawrenceburg, Lebanon, Leoma, Lewisburg, Liberty, Linden, Livingston, Lobelville, Loretto, Lyles, Lynchburg, Lynnville, McBurg, McEwen, McMinnville, Manchester, Milton, Minor Hill, Monteagle, Monterey, Moss, Mount Juliet, Mount Pleasant, Murfreesboro, Nashville, New Johnsonville, Nolensville, Norene, Normandy, North Springs, Oak Grove, Old Hickory, Old Zion, Palmyra, Pelham, Petersburg, Pleasant Hill, Pleasant Shade, Pleasant View, Portland, Prospect, Pulaski, Red Boiling Springs, Rickman, Rock Island, Saint Joseph, Sango, Santa Fe, Sewanee, Shelbyville, Smithville, Smyrna, South Oak Grove, Sparta, Spencer, Springfield, Spring Hill, Summerton, Tansi, Temperance Hall, Tennessee Ridge, Tracy City, Trune, Tullahoma, Unionville, Vanleer, Viola, Wartrace, Watertown, Waverly, Waynesboro, West Vanleer, Westmoreland, White Bluff, White House, Williamsport, Winchester, Woodbury, Woodland